

Remarks

The Final Office Action rejects claims 1-31 under section 112 as being indefinite. The Applicant respectfully traverses the rejection. Claim 1 has been amended to include elements that clarify how the information provided by the circuit is used to provide the benefit of the asset to the user. The specification of the present application provides numerous examples of how the information provided by the circuit may be used to provide access to the benefit. The Applicant notes that Claim 23 does not have the same language as claim 1. Claim 23 requires the information to be configured to be used by said system to execute a conveyance. In both claims, the particular configuration of the information provided is not critical. The Applicant respectfully submits claims 1-31 are not indefinite and respectfully requests the section 112 rejection to be withdrawn.

The Final Office Action rejects claims 1-2, 5-19, and 22-43 as being anticipated by Hogen Esch. The Applicant respectfully traverses the rejection.

Claim 1 has been amended to require the asset to have a lock with the information provided by the electrical circuit acting as a key for the lock of the asset. The Hogen Esch reference does not disclose such a configuration. The Hogan Esch reference requires the container circuit to be aligned with the disc circuit so that the container circuit can receive and re-transmit an electromagnetic field to the disc circuit. The disc circuit has an antitheft function that can be activated and deactivated – but this antitheft function does not prevent access to the benefit of the asset as recited in claim 1. The activated antitheft feature of the Hogan Esch system functions to trigger a gate alarm located at the exit of the library. If a thief steals the asset and container of Hogan Esch and runs through the gate alarm, the alarm will trigger, but the thief will have access to the benefit of the asset (assuming the thief eludes capture). Hogan Esch thus does not recognize the feature of the invention of claim 1 wherein locked benefits are unlocked by the information provided by the electrical circuit. The cited reference thus does not anticipate amended claim 1 or its dependent claims.

Claim 23 requires the information provided by the electrical circuit within the containing element to be used to execute a conveyance from a first party to a second party. The Hogan Esch device activates and deactivates an alarm function of a tag and

does not execute the conveyance as required in claim 23. The Applicant thus respectfully submits amended claim 23 and its dependent claims are patentable over the cited reference.

Claim 32 has been amended to clarify that the recited interruption of the circuit is permanent. The cited Hogan Esch reference is a reusable circuit that has activated and deactivated states so that it may be used in a lending environment. The device recited in claim 32 and its dependent claims is a single use circuit that is permanently interrupted. The Applicant thus respectfully submits amended claim 32 and its dependent claims are patentable over the cited reference.

The Applicant also respectfully traverses the rejection under section 103 of dependent claim 3 which requires the electrical circuit to be affixed to the locking element. It would not be obvious to one of ordinary skill in the art to locate the Hogan Esch container circuit on a locking element such as that recited in claim 3 because the Hogan Esch circuit is aligned with the disc circuit in order to function (Col. 5, line 5). A different location for the Hogan Esch circuit would likely destroy the function of the Hogan Esch configuration. The cited reference thus does not render the configuration of claim 3 obvious.

The current rejection of claim 4 is unclear because the Final Office Action cites both the Hogan Esch reference and the Hodes reference. The Applicant believes the Hogan Esch reference was intended. The Applicant respectfully traverses the rejection for the same reasons described above in the discussion of claim 3.


The Applicant has added new claims 61-69 and respectfully requests these claims to be examined. New claim 61 is similar to original dependent claim 3 wherein the containing element has a locking element with the electrical circuit having the antenna is carried by the locking element. New claim 61 also requires the electrical circuit and the antenna to be adapted to communicate with a system to provide a user access to the benefit of the asset. New claim 65 is similar to claim 60 because the electrical circuit and antenna are carried by the locking element. Claim 65 also recites the access device that communicates with the electrical circuit to provide a user access to the benefit of the asset. Claim 65 also requires the locking element to be disposed within the container body when the locking element is in the locked state. New claims

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69 and 70 further define the invention having the electrical circuit and antenna carried by the locking element wherein an access device communicates with this circuit to provide a user access to the benefit of the asset. The Applicant respectfully submits the cited Hogen Esch reference does not disclose or suggest the configurations recited in these claims. Hogen Esch does not disclose or suggest carrying the electrical circuit and antenna – that communicate to provide access to the benefit of the asset – with the locking element. The Hogan Esch reference requires the container circuit to be aligned with the disc circuit so that the container circuit can receive and re-transmit an electromagnetic field to the disc circuit. The new claims that require the electrical circuit and antenna to be carried by the locking element are thus patentable over the cited Hogan Esch reference.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

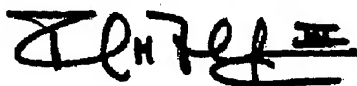
Please call the undersigned attorney if any issues remain after this amendment.



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on 23 April 2010.



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